

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BANGKOK BANGKOK IMPORT & EXPORT INC., :  
Plaintiff, :  
: 20-CV-10572 (JMF)  
-v- :  
: ORDER  
2M ASSOCIATES, INC. et al., :  
Defendants. :  
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JESSE M. FURMAN, United States District Judge:

The pretrial conference currently scheduled for July 8, 2021, *see* ECF No. 32, is hereby adjourned to **July 14, 2021, at 3:30 p.m.** (If the case settles at the settlement conference on July 13, 2021, the parties should promptly advise the Court.) **Unless and until the Court orders otherwise, the proceeding will be held in person in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY.**

At the conference, counsel should be prepared to address the fact that they conducted no discovery by the July 2, 2021 deadline. *See* ECF No. 33. More specifically, **counsel should be prepared to show cause why they should be granted any additional time to conduct discovery (or why Plaintiff should be heard with respect to Defendants' failure to respond in a timely manner to the first set of interrogatories)**, mindful that (1) the Federal Rules of Civil Procedure provide that “[a] schedule may be modified only for good cause and with the judge’s consent,” Fed. R. Civ. P. 16(b)(4), and “[a] finding of good cause depends on the diligence of the moving party,” *Grochowski v. Phoenix Const.*, 318 F.3d 80, 86 (2d Cir. 2003); and (2) the Case Management Plan and Scheduling Order clearly cautioned the parties that (a) they “should not anticipate extensions” of the fact discovery deadline and any application to extend the deadline “must be filed before the relevant deadline,” ECF No. 20, ¶ 8(e); (b) any discovery-related issues must be raised “in a timely fashion” and a party who failed to comply with that requirement was “unlikely to be granted” relief or more time for discovery, *id.* ¶ 8(e); (c) the Order “may not be modified” or deadlines extended “except by further Order . . . for good cause shown,” *id.* at 6; and (d) “[a]bsent extraordinary circumstances, extensions [of deadlines] will not be granted after deadlines have already passed,” *id.*

All members of the public, including attorneys, must complete a questionnaire and have their temperature taken before being allowed entry into the Courthouse. **Attached to this Order are instructions and a link to the questionnaire.** In light of these protocols, counsel and Defendant should arrive at the Courthouse early to ensure that the proceeding can begin on time.

The Court’s current protocols require anyone in the courthouse to wear a mask (fully covering the mouth and nose) while in public areas of the courthouse. (Please note that bandanas, neck gaiters, or masks with exhalation valves or vents are not permitted.) That said, if **everyone** in the well of the courtroom during the proceeding (including counsel, any parties, witnesses, law enforcement, court

reporters, and interpreters) has been fully vaccinated **and** confirms as much before the proceeding on a sign-in sheet maintained by the Courtroom Deputy, the Court may permit the participants in the proceeding to remove their masks and do without social distancing. If the Court grants such permission, the participants in the proceeding may remove their masks only when they are in the well of the courtroom and must place their masks back on before leaving the well. In accordance with the Court's current protocols, **everyone sitting in the gallery of the courtroom must be masked and maintain social distancing, even if fully vaccinated.**

In the interest of public health, and in order to comply with social distancing protocols, **the parties are strongly encouraged to limit the number of people in the courtroom as much as possible.** Indeed, seating at both counsel table and in the public area of the courtroom may be severely limited. In view of those limitations and the restrictions on entry into the Courthouse, the Court will provide listen-only public access to the proceeding by telephone given the public health situation. Members of the public may listen to the proceeding by calling the Court's dedicated conference-call line at (888) 363-4749, using access code 542-1540 followed by the pound (#) key.

The Clerk of Court is directed to terminate ECF No. 34.

SO ORDERED.

Dated: July 7, 2021  
New York, New York



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JESSE M. FURMAN  
United States District Judge

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink, or scan the following QR code with a mobile device camera to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

<https://app.certify.me/SDNYPublic>



Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.